

**Fill in this information to identify the case:**

United States Bankruptcy Court for the:

**New Hampshire**Case number (if known) \_\_\_\_\_ Chapter **11**☐ Check if this an amended filing**Official Form 205****Involuntary Petition Against a Non-Individual**

12/15

Use this form to begin a bankruptcy case against a non-individual you allege to be a debtor subject to an involuntary case. If you want to begin a case against a non-individual, use the *Involuntary Petition Against an Individual* (Official Form 105). Be as complete and accurate as possible. If more space is needed, attach any additional sheets to this form. On the top of any additional pages, write debtor's name and case number (if known).

**Part 1: Identify the Chapter of the Bankruptcy Code Under Which Petition Is Filed**1. Chapter of the Bankruptcy Code *Check one:*

- ☐ Chapter 7  
☒ Chapter 11

**Part 2: Identify the Debtor**2. Debtor's name **Phoenix Swimming, LLC**

3. Other names you know the debtor has used in the last 8 years

Include any assumed names, trade names, or *doing business as* names.

4. Debtor's federal Employer Identification Number (EIN) ☒ Unknown  
EIN \_\_\_\_\_

5. Debtor's address	Principal place of business	Mailing address, if different
	<b>26 Auburn Road</b>	
	Number Street	Number Street
	<b>Hooksett NH 03106-0000</b>	P.O. Box
	City State Zip Code	City State Zip Code
	<b>Merrimack</b>	Location of principal assets, if different from principal place of business
	County	Number Street
		City State Zip Code

6. Debtor's website (URL) \_\_\_\_\_

7. Type of debtor ☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP)  
☐ Partnership (excluding LLP)  
☐ Other type of debtor. Specify: \_\_\_\_\_8. Type of debtor's business *Check one:*  
☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))  
☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))

Debtor **Phoenix Swimming, LLC**

Case number (if known) \_\_\_\_\_

- ☐ Railroad (as defined in 11 U.S.C. § 101(44))  
☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))  
☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))  
☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))  
☒ None of the types of business listed.  
☐ Unknown type of business.

9. To the best of your knowledge, are any bankruptcy cases pending by or against any partner or affiliate of this debtor?

- ☒ No  
☐ Yes. Debtor

Relationship \_\_\_\_\_  
 District \_\_\_\_\_ Date filed \_\_\_\_\_ Case number, if known \_\_\_\_\_  
 MM / DD / YYYY

Debtor \_\_\_\_\_ Relationship \_\_\_\_\_  
 District \_\_\_\_\_ Date filed \_\_\_\_\_ Case number, if known \_\_\_\_\_  
 MM / DD / YYYY

**Part 3: Report About the Case**

10. Venue

Check one:

- ☒ Over the last 180 days before the filing of this bankruptcy, the debtor had a domicile, principal place of business, or principal assets in this district longer than in any other district.  
☐ A bankruptcy case concerning debtor's affiliates, general partner, or partnership is pending in this district.

11. Allegations

Each petitioner is eligible to file this petition under 11 U.S.C. § 303(b).  
 The debtor may be the subject of an involuntary case under 11 U.S.C. § 303(a).

At least one box must be checked:

- ☒ The debtor is generally not paying its debts as they become due, unless they are in the subject of a bona fide dispute as to liability or amount.  
☐ Within 120 days before the filing of this petition, a custodian, other than a trustee, receiver, or agent appointed or authorized to take charge of less than substantially all of the property of the debtor for the purpose of enforcing a lien against such property, was appointed or took possession.

12. Has there been a transfer of any claim against the debtor by or to any petitioner?

- ☒ No  
☐ Yes. Attach all documents that evidence the transfer and any statements required under Bankruptcy Rule 1003(a).

13. Each petitioner's claim

Name of petitioner	Nature of petitioner's claim	Amount of the claim above the value of any lien
Stephen Van Der Beken	Court Ord. Damages \$243,212, Atty Fees \$58,603 & Int. \$32,673; plus atty fees, interest & costs accrued/incurred since SC Orders.	\$329238
		\$
		\$
Total of petitioners' claims		\$329238

If more space is needed to list petitioners, attach additional sheets. Write the alleged debtor's name and the case number, if known, at top of each sheet. Following the format of this form, set out the information required in Parts 3 and 4 of the form for each statement under penalty of perjury set out in Part 4 of the form, followed by each additional petitioner's (or representative's) signature, along with the signature of the petitioner's attorney.

**Part 4: Request for Relief**

**WARNING** -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Debtor **Phoenix Swimming, LLC**

Case number (if known) \_\_\_\_\_

Petitioners request that an order for relief be entered against the debtor under the chapter of 11 U.S.C. specified in this petition. If a petitioning creditor is a corporation, attach the corporate ownership statement required by Bankruptcy Rule 1010(b). If any petitioner is a foreign representative appointed in a foreign proceeding, attach a certified copy of the order of the court granting recognition.

I have examined the information in this document and have a reasonable belief that the information is true and correct.

Petitioners or Petitioners' Representative

Attorneys

## Name and mailing address of petitioner

**Stephen Van Der Beken**

Name

**92 Pennsylvania Avenue**

Number Street

**Manchester NH 03104-0000**

City

State

Zip Code

## Name and mailing address of petitioner's representative, if any

Name

Number Street

City

State

Zip Code

I declare under penalty of perjury that the foregoing is true and correct.

Executed on

**December 20,****2024**

MM / DD / YYYY

*Stephen Van Der Beken*  
/s/ Stephen Van Der Beken

Signature of petitioner or representative, including representative's title

**Williams S. Gannon, Esquire**

Printed name

**Williams S. Gannon PLLC**

Firm name, if any

**740 Chestnut Street**

Number Street

**Manchester NH 03104-0000**

City

State

Zip Code

Contact phone

**603-401-9259**

Email

**bgannon@gannonlawfirm.com**

Bar number

**BNH 01222 (NH)**

State

**NH**

*Williams S. Gannon*  
/s/ Williams S. Gannon, Esquire

Signature of attorney

Date signed

**December 20, 2024**

MM / DD / YYYY